

REMARKS

The Official Action mailed October 6, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on September 22, 2003; October 16, 2003; March 11, 2004; and July 21, 2005. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Please note, the attached Form PTO 1449 includes a correction to an earlier Information Disclosure Statement. Specifically, in the Information Disclosure Statement filed March 11, 2004, the Applicant cited "European Search Report, January 26, 2004," but unintentionally omitted the corresponding Application No. 03021233.6. The present Form PTO 1449 includes a corrected citation. Appropriate correction is requested.

Claims 1-46 were pending in the present application prior to the above amendment. Claims 1, 3, 5, 7, 9, 11, 13, 14, 16, 17, 19, 20, 22, 23, 26, 29, 32 and 35 have been amended for clarity; and new dependent claims 47-54 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1-54 are now pending in the present application, of which claims 1, 3, 5, 7, 9, 11, 13, 16, 19, 22, 25, 28, 31, 34, 37, 39, 41 and 44 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-4 as obvious based on the combination of U.S. Patent No. 6,393,042 to Tanaka and EP 1 063 049 to Okamoto et al. The Official Action rejects claims 5-46 as obvious based on the combination of Tanaka '042, Okamoto and U.S. Patent No. 6,437,313 to Yamazaki et al. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. “The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art.” In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Without providing specific support from the references to show which features of the prior art correspond with the features of the present claims, the Official Action asserts that Tanaka '042 discloses all the features of the independent claims except a light guide comprising two reflective surfaces facing to each other (page 2, Paper No. 20050930). The Official Action asserts that Okamoto cures the deficiencies in Tanaka '042, since Okamoto discloses two reflective surfaces facing to each other (Id.). Also, regarding claims 5 to 46, the Official Action asserts that Yamazaki cures the deficiencies in Tanaka '042 and Okamoto, since Yamazaki discloses a cylindrical lens (page 3, Id.). The Applicant respectfully submits that Tanaka '042, Okamoto and Yamazaki do not teach or suggest all the features of the independent claims.

The present invention, for example, as described in claim 1, is directed to a light guide for homogenizing an energy distribution of a laser light along a width direction of a line-shape. Also, the present invention discloses that a cross sectional view of the energy distribution of the width direction of the line-shape is formed in a top hat or homogenized shape (Figures 3B, 5B, 7B and 9B).

Although Tanaka '042 appears to teach a beam homogenizer in Figure 1, Tanaka '042 does not teach or suggest homogenizing an energy distribution of a laser light along a width direction of a line-shape, where a beam spot of the laser light is shaped into the line-shape on the irradiated surface.

Okamoto does not cure the deficiencies in Tanaka '042. Okamoto appears to disclose a light guide 30 for homogenizing an energy distribution of a laser light along a longitudinal direction (abstract, [0033]) but not along a width direction. Specifically, Figure 1D of Okamoto appears to show a rectangular beam shape where a cross sectional view of the energy distribution of the width direction XC is a Gaussian profile ([0031], [0033], XC in Figure 1D). However, Okamoto does not teach or suggest that the energy distribution of the width direction XC should be homogenized. Therefore, even if one were motivated to combine Tanaka '042 and Okamoto, the resulting energy distribution would not be homogenized along a width direction.

Yamazaki does not cure the deficiencies in Tanaka '042 and Okamoto. Yamazaki is relied upon to teach a cylindrical lens. However, Tanaka '042, Okamoto and Yamazaki do not teach or suggest that an energy distribution of a width direction should be homogenized. Therefore, Tanaka '042, Okamoto and Yamazaki do not teach or suggest all the features of the independent claims.

Since Tanaka '042, Okamoto and Yamazaki do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 47-54 have been added to recite additional protection to which the Applicant is entitled. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 47-54 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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